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Telecom regulatory Authority of India,
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Amendment to the Standards of Quality of Service for Wireless Data Services Regulations, 2012

Dear Sir,

The GSMA welcomes the opportunity to submit its views on the consultation paper issued to discuss the options for mandating 'minimum download speed'.

With market like India now becoming mature, Quality of service (QoS) is a priority for mobile network operators for several reasons: it allows them to differentiate the Internet access service they provide from that of the competitors; to adapt their service to client needs; and to be successful in the market. Poor quality translates into a poor user experience, which is bad for users, for the entities that safeguard people's wellbeing and for companies themselves, as a poor user experience has a negative effect on their ability to compete.

In this context, the debate on prescribing minimum download speed for mobile services cannot be separated from the measures required to facilitate infrastructure deployment and to allocate and assign more spectrum for mobile services. Even countries in EU, where comparatively sufficient spectrum has been made available; we are not aware of any country introducing this particular parameter under consideration.

The Authority has raised the following issues for consultation:

Question 1: What are your views on prescribing benchmarks for minimum download speed as above? Please give your comments with justification.

Question 2: Should the service provider be mandated to inform the minimum download speed to customers along with each tariff plan? Please give your comments with justification.



Based on our experience in other markets, we have made an attempt to provide a holistic view of these issues, as explained below:

1. Sensitive Regulatory approach

- a. The speed of the connection is usually seen as an important parameter of the network quality. However, it is also the most difficult to define and to communicate to the user in the mobile context and hence there are differences that sometimes occur between experienced instantaneous speeds and advertised speeds. At the end it might not be the most meaningful indicator for a consumer. In Sri Lanka, as recent as December 2013, TRCS have started the consultation to introduce for the first time basic QoS benchmarks like call drop rate, call set-up success rate, billing complaints and are not even considering complex parameter like 'minimum speed'.
- b. Intrusive or disproportionate regulation of the QoS for mobile internet can be counterproductive to the internet's development and can even delay the process of adopting the service. Such regulations can also exclude the groups least able to pay, which would go against some of the key objectives of public policy.

2. The unique nature of mobile network

- a. 'Minimum download speed' is a multi-factor measure which is affected by a number of factors including the usage environment e.g. indoor or outdoor, network load e.g. lightly loaded or heavily loaded cell, distance from the antenna, meteorological factors, device type, application type, other applications running on the device. Moreover, there are instances where the device being used by the consumer has certain capabilities, or a lack thereof, either as a result of technology choices or superior technical specifications. These choices, which can have a major impact on service quality, are often made by the consumer. At the same time, some applications downloaded on smartphones can be bandwidth-hungry, with a potential negative impact on other services. Most of those factors are outside the control of the access provider.
- b. Moreover, 'minimum speed' and other QoS benchmarks are more relevant and controllable in wireline broadband and the same can't be replicated to the wireless environment, where the key input like spectrum is still being made available. Ofcom only have Voluntary Code of Practice for a broadband speed that applies to only fixed line access broadband ISPs and believes that the Code is appropriate only as a voluntary and self-regulatory measure. In UK, we believe as such there is no requirement in place requiring mobile operators to publish or prescribe information on minimum download speed.
- c. It is therefore important to take into account the dynamic nature of connection speed in mobile networks. However, as pointed out in the previous paragraphs, providing a meaningful connection speed for mobile consumers is a challenge. The GSMA believes that the necessity to provide easily comparable information to consumers should not result in the standardisation of retail offers to consumers that would reduce consumer choice.



3. Flexibility in the customer needs and business models

- a. The GSMA shares the Authority's desire to improve transparency in the commercial offer, especially those that emphasize an appropriate balance between the quantity and relevance of the information delivered to users for informed decision making. However, it is also to be understood that India has a wide range of users with different needs in terms of download volume, application use and ability to pay. Therefore, the imposition of minimum quality of service standards could imply a significant reduction in the ability to meet customer needs and to exclude from the market the population with the most limited ability to pay from gaining access to the service.
- b. We believe that there needs to be a consideration of what information would actually empower the customer to make more informed decisions and what simply would add complexity and confusion. Different consumers demand different types of information. It is important to ensure that the typical user is not overloaded with information, while enabling the more advanced user to get all the information he needs.
- c. The GSMA is also of the view that the mobile industry in India is still evolving, not just in terms of the technical and operational aspects of the network, but also in terms of commercial strategies and business models. The on-going experimentation with different offerings is part of the competitive process. With more variable inputs (like spectrum) being made available, the emergence of new business models will automatically preserve consumer interest.

Operators need the flexibility to experiment and establish new business models that better align investment incentives with technological and market developments and create additional value for their customers.

Conclusion

It is essential to strike a balance between reflecting the multi-factor complexity of service quality, diverse consumer needs and the provision of meaningful information. The regulator should not stipulate the information that should be provided to consumers beyond general transparency objectives and operators should be free to decide how they communicate that information according to their existing business practices, internal processes, branding and tone of voice with customers.

Kind Regards


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